

**MINUTES FOR MARCH 4, 2010**  
**MEETING OF THE PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE**

**Members Present:** Ramin Assa; Justin Clarke, MNCPPC; Steve Friedman; Arthur Holmes, MCDOT Director; Lt. James Humphries, MCPD; Erwin Mack, Chair; Alan Migdall; Colleen Mitchell; Alyce Ortuzar; Peter Moe, MSHA; Richard Romer representing Councilmember Ervin; Jack Strausman

**Members Absent:** Bill Bronrott, Vice-Chair; John Britton; James D’Andrea, MCPS; Ken Hartman, BCC Regional Service Center; Doris Depaz

**County Staff:** Jeff Dunckel, Pedestrian Safety Coordinator, MCDOT; Tom Pogue, Community Outreach, MCDOT; Fred Lees, MCDOT-DTEO; Sara Navid, MCDPS; Chuck Crisostomo, East County RSC; David Anspacher, MNCPPC; Will Haynes; MCDOT-DTEO; Tom Street, County Executive’s Office; Margaret Boumel, MCDOT

**Guests:** Richard Hoye, ACT; John Wetmore, Perils for Pedestrians TV

1. Committee Business:

- Review Minutes from January Meeting – Approval/Changes
- Introduction of New Staff: Margie Boumel (SRTS) & Will Haynes (Engineer – HIAs)
- Report on Piney Branch Safety Promotion Teams

2. Subcommittee Reports, Updates, and Recommendations:

- Innovative Pedestrian Signal Engineering
- Speed Humps
- Sidewalks
- Bicycle Access and Safety
  - Recommendation Letter
  - Bicycle Accommodation at Medical Center

Alan Migdall  
John Britton  
Alyce Ortuzar  
Peter Moe/  
Steve Friedman

3. Landscaping in the Public Rights-of-way

- Report on Recommendations

Sarah Navid/Dan McHugh

4. Snow Report

Art Holmes

5. Council Bill 3-10 – Modifying Hearing Requirement for Sidewalks

- Letter to Council/Follow-up with Council

Rich Romer

6. Meeting with County Executive – March 8, 7:00 pm

- Who will attend?
- What will we talk about?

7. New Business/Committee Comments:

- New Business: New Pedestrian Fence at University Blvd.
  - McArthur Blvd. Bike Incident
  - Meeting with PEPCO – utility poles/sidewalks
  - StreetSmart March 23 Kickoff
  - Blue Ribbon Report
- Next Scheduled Meeting Date: May 6, 2010

8. Adjourn

## **1. Committee Business:**

Chairman Erwin Mack called the meeting to order at 7:03 pm. First order of business was to review the January Minutes. Jeff Dunckel presented them; the committee had received draft copies back in January. There were a number of motions and action items, along with a lengthy discussion of the issue of landscaping in the Rights-of-way.

### **MOTION: Motion to accept the January 2010 minutes as drafted was moved, seconded, and approved unanimously.**

New staff were introduced to the committee: Margie Boumel has stepped up to assist in the Safe Routes to Schools effort, since losing Larry McGoogin (SRTS Coordinator) last October. She is temporarily working to support the outreach activities and the monitoring of SRTS grants. She is not the permanent SRTS Coordinator, but rather helping to fill the program needs while Larry McGoogin's position has been frozen and his replacement cannot yet be rehired. William (Will) Haynes was introduced as the County's new hire in MCDOT's DTEO, to manage the work being focused on High Incidence Areas (HIAs.) Haynes began working last month and has hit the ground running. He has a lot of experience working on pedestrian safety in Virginia. He now introduces himself at meetings as Montgomery County's Pedestrian Safety Engineer; he is expected to take a major role in managing and coordinating DTEO's pedestrian safety projects.

Piney Branch Safety Promotion Teams: Dunckel explained that CASA de Maryland has begun doing educational outreach with pedestrians on the Piney Branch Corridor (first HIA); contract issues in December delayed getting the teams out on the street. Two contracts are being issued to CASA; the first one began work just before the big snows. A second larger contract is in the works to continue education activities through the spring and into the summer. Wearing bright yellow-green shirts, Safety Promotion Team members are approaching pedestrians on the street, at intersections and at bus shelters, and telling them about safe pedestrian practices. The current contract will extend through March; the second contract should take effect in April, enabling activities to continue through May. Peter Moe indicated that the same technique will be employed in Prince George's County by SHA.

Ramin Assa's suggestion to set up a site on the Pedestrian Safety Web Page for the posting of meeting documents was implemented for this meeting. Feedback has been positive. The committee will use this method to disseminate information for meetings in the future; meeting packets will be posted before the meeting - MCDOT will try to get documents posted a week before the meeting, though this may be a challenge given the nature of documents being submitted later than that.

## **2. Subcommittee Reports, Updates and Recommendations:**

***Innovative Pedestrian Signal Engineering - Alan Migdall:*** A copy of a report from Migdall was distributed to the attending members. This subcommittee was formed to look at better engineering of signals for use by people – in answer to Migdall's observation that pedestrians often don't use signals correctly. Migdall has held meetings with MCDOT to see if the system as a whole is being examined; currently system is dealt with at the intersection level, not as an entire pedestrian crossing system/network. A follow-up meeting with MNCPPC established that they did not have a basic inventory of sidewalks and bicycle connections. Migdall proposed a network level study of pedestrian connectivity/infrastructure, with an inventory of sidewalks, bicycle connections, and crossing locations including signal characteristics. The recommendation would require funding; Migdall proposes submitting this recommendation to the County Executive. Fred Lees, MCDOT, explained that currently signals are installed where they are "warranted," using methodologies spelled out in the Manual of Uniform Traffic Control Devices (MUTCD).

Art Holmes suggested that Migdall work with Lees to finalize wording of the recommendation for the committee to consider at the next meeting, and take the opportunity of the PTSAC meeting with the County Executive next week to mention to him the committee's interest in this inventory. This item should be put into the budget cycle early (by August). Tom Street, County Executive's Office, pointed out that this request for an inventory of sidewalks was part of the original County Executive Pedestrian Safety Initiative – it was one of the strategic recommendations. Peter Moe, SHA, pointed out that the recommendation addresses three elements: a modeling function for pedestrian/bicycle flow; a gap analysis identifying the missing links; and the physical inventory of existing facilities and their function. Moe suggested that if a total system analysis would be too costly, perhaps a pedestrian "zone" could be looked at - a zone of limited geographic area where pedestrians logically walk. Colleen Mitchell suggested the current recommendation brings in a lot of different topics that may not be able

to be addressed; the physical inventory, adding in some other features like crossings, may be pretty cut-and-dry. But getting into the modeling may be too costly and difficult to accomplish for pedestrians.

**ACTION:** Mack asked that Migdall call out this issue during the meeting with the County Executive on Monday, and that Migdall work with Fred Lees, with assistance from Moe, Assa, and Mitchell to make the recommendation more specific, reflecting the discussion tonight, so that the PTSAC can vote on a final recommendation at the May meeting. This recommendation should be distributed to the full committee a week before the meeting so everyone has time to review it beforehand. Dunckel will email the first draft to the entire committee and post it on the web site.

The City of Rockville was cited as having done similar work several years ago, and should be contacted to see what they had done to see if it is applicable to Montgomery County.

***Speed Humps - John Britton:*** As John Britton was not at the meeting, the topic was deferred to next meeting. Mack expressed his concern that the City of Takoma Park is moving forward on more speed humps, regardless of some concerns that have been discussed here. Migdall expressed his support of speed humps.

***Sidewalks – Alyce Ortuzar:*** Alyce Ortuzar will assemble the sidewalks group and prepare a report for the May meeting. The subcommittee is comprised of Ortuzar, Assa, and Rich Romer. The subcommittee's first responsibility is to define its mission.

***Bicycle Access and Safety (BAS) – Steve Friedman:*** Steve Friedman discussed the items that came out of the January meeting: first an explanation, as an addendum, of what bicycle accommodations meant for the medical center access evaluation matrix developed by the BRAC subcommittee last fall. Friedman reviewed the meeting packet handout describing appropriate bicycle provisions for any Medical Center Access modifications. Migdall made the point that the committee should advocate for not merely replacing bike facilities that have been removed, but should advocate for more and better bike facilities in association with any Medical Center access improvements.

**MOTION:** A motion was moved and seconded to approve the bicycle accommodation addendum to the BRAC subcommittee's evaluation of the Medical Center Access. Mack clarified that this addendum is to be submitted to the County Council with an explanation that this was additional input/advice provided by our Bicycle Access and Safety subcommittee. Jack Strausman agreed to wordsmith the proposed letter and incorporate it into a revised submission to the County Council (with a copy to the County Executive.) The motion was tabled until the end of the meeting. The revised language passed at the end of the meeting.

Second, a draft a letter to Delegate Bill Bronrott and the Maryland Legislators in support of three bicycling issues: 1) repeal of the mandatory use of the shoulder by bicycles; 2) provide for a 3-foot safe passing law for bikes and vehicles; and 3) to allow for the riding of bicycles through a crosswalk. Friedman stated that there has been action on two of the items in Annapolis: the safe passing law and the repeal of the mandatory use of the shoulder.

Dunckel and Holmes expressed concern about the process of the letter, not the content of the letter. Holmes pointed out that the charter of the committee is to provide advice to the County Executive and the County Council; the committee charter specifically prohibits lobbying the State or Federal legislators without approval of the Office of Intergovernmental Relations. After discussion, it was agreed that the committee should vote on approving the content of the letter, but that the letter would be submitted to the Office of Intergovernmental Relations

**MOTION:** A motion was made to accept the letter supporting the State Legislator approval of the three new laws, and that the letter be submitted to the Office of Intergovernmental Relations for action with the State Legislator. The letter would be sent to the Office of Intergovernmental Relations with a transmittal memo explaining what the PTSAC wants done with this legislation. The motion passed with all yeas and one abstention (Peter Moe).

Moe advised that in response to the issue agreed to last November by the Chiefs of Police, regarding the need for educating officers on the laws pertaining to bicycles, his office has issued to all the Police Chiefs a DVD and a CD ROM from the National Traffic Safety Highway Administration on enforcement of laws for bicycles and pedestrians.

**MOTION:** A motion was moved to thank SHA's Highway Safety Office for acting on the request of the Montgomery County Chiefs of Police by supplying information and educational materials on bicycle laws; the PTSAC supports generally increased training of law enforcement officers on the laws and operation of bicycles. Migdall seconded the motion. The motion passed unanimously.

### **3. Landscaping in the Public Rights-of-way – Maintain Access: Sarah Navid**

Sarah Navid, of DPS, passed out handouts of materials pertaining to current laws, zoning, and enforcement of public rights-of-ways (ROW) being cleared of landscape obstructions. In response to this issue being discussed by the PTSAC last January, the County assembled a small work group from agencies involved with the issue (DPS, DOT, and DHCA) to better define the problem and what might be done about it. Based on Navid's empirical observations, 95% of the foliage obstructions seem to be from private plantings encroaching into the public ROW. The public section of the ROW, between the sidewalk and the street, is primarily planted with street trees and grass. Low lying branches from street trees can be an issue. Based on the few number of complaints DHCA receives on this issue, the work group believes the public probably does not know how or where to report such problems. The group concluded that the regulations we have are currently sufficient to address the problem. Vegetation on private property is addressed by Chapter 26 of the County Code; within the County ROW, Chapter 49 of the County Code, allowable green space plantings are specified and must not impede public safety or sidewalk access.

The enforcement issue is complicated by jurisdictional authority. DHCA can enforce trimming on private property if it is within County jurisdiction - - but not in municipalities that have their own enforcement operations. If the foliage at issue is in the public ROW, then there are numerous jurisdictional options: County deals with County roads, urban districts deal with their service areas, State Highway addresses State roadways, and municipalities address their municipal roadways. There is also County Code language that allows for private parties to plant specific foliage in the public ROW . . . though this has not been employed very often.

Recommendations of the work group: 1) New 311 system should be reviewed to assure landscaping complaint processes are clearly defined, so residents filing complaints can get the correct answers and resolutions; 2) DPS and MCDOT should work together to update their web sites so that an explanation is provided to landscape impediment issues, as well as snow impediment issues; and 3) inform residents of responsibilities and the need to keep the sidewalks and public ROWs free and clear of obstructions.

The committee suggested such education may occur in April with Earth Day and Arbor Day - - need to inform folks of the "why" ROWs need to be clear. Clear zone should be set back from the back of the sidewalk, especially in constrained ROW environments. Trees are usually trimmed 10' high by the County. Fences should be a least 1 foot back from the sidewalk. DHCA currently interprets the code to be keep vegetation clear to the back of sidewalk - - not an additional foot or two.

**MOTION:** Motion to approve the three recommendations of the Landscape Work Group was moved and seconded: 1) The 311 system will be launched soon and DOT/DPS/SHCA staff should evaluate and ensure that the complaint intake process asks the right questions to get the information needed so that operators can direct the complaints to the right agency for follow-up; 2) the DOT website should specifically address sidewalk foliage obstructions (similar to what DOT currently has for snow removal from sidewalks); and 3) public education is needed so that property owners are aware that they are responsible for trimming their foliage back so that it does not obstruct the sidewalk. The motion was approved unanimously.

Lt. James Humphries has researched whether there were limits as to size of a vehicle used by a disabled person. Maryland Vehicle Law specifies that a disabled person may use a special vehicle on the sidewalk, without limitations as to size. Ms. Nixon's vehicle would be legal and be considered a special vehicle under State Vehicle Law. Mack requested that Dunckel notify Ms. Nixon of our actions and thank her for raising her concerns with the PTSAC.

### **4. Snow Report: Art Holmes**

Holmes introduced the topic by citing the historic nature of the storm - - the 150 year storm. This was a magnitude of a storm for which you cannot be prepared. Holmes is very proud of how the County responded to this epic event. County staff worked 7 to

10 days without going home or seeing their families; these were the same people who had to work clearing snow on Christmas Day and New Years Eve. The County activated 1,200 pieces of snow removal equipment for this blizzard; 200 belonged to us, 1000 were contractor equipment from as far away as Florida.

MCDOT is not responsible for clearing snow from sidewalks; DGS clears County buildings; businesses and homeowners clear snow from sidewalks adjoining their properties. Holmes distributed a brochure explaining the issues of clearing snow.

**Motion: to send a note of appreciation to the County Executive and the County Council on behalf of the PTSAC, expressing thanks for a job well done by the MCDOT. Motion was moved by Ramin Assa and seconded by Alyce Ortuzar. Motion passed unanimously.**

**5. Council Bill 3-10 – Modifying Hearing Requirement for Sidewalks: Richard Romer**

Rich Romer, Legislative Aide to Councilmember Valerie Ervin, cited the origins of this legislation coming from the PTSAC discussion last September, where it was made clear sidewalks supported by communities were being delayed by lengthy hearing processes, even when there were no objections or controversies over the sidewalks. Ervin asked the Council to revisit the hearing requirement to see if an expedited process could be used when there was no controversy and a sidewalk was relatively easy to build. On March 2, Bill 3-10 passed 8 to 1. As it was an expedited Bill, the Bill becomes law immediately, and is now in effect.

**6. Meeting with County Executive: March 8, 7:00 pm**

Mack reminded everyone to be at the Executive's office at 7:00; the PTSAC has 30 minutes with Mr. Leggett.

**7. New Business:**

*New Pedestrian Fence installed at University Blvd; McArthur Blvd. Bike Incident resolved- expanding education of police; Meeting with PEPCO – utility poles/sidewalks coordinated now; StreetSmart March 23 Kickoff on Sligo Ave.; Blue Ribbon Report distributed – Bronrott to provide overview of points to be implemented;*

Next Scheduled Meeting Date: May 6, 2010;

Meeting Adjourned at 9:36 pm